

1 KELLY LITIGATION GROUP, INC.  
2 RICHARD KELLY, ESQ. (SBN 154504)  
3 MICHAEL MENGARELLI, ESQ. (215000)  
4 306 Lorton Avenue  
5 Burlingame, CA 94010  
6 Tel: (650) 591-2282  
7 Fax: (650) 591-2292

8 Attorneys for Petitioners,  
9 WILLIAM MICHAEL WAGNER & JAN SONNEMAN, AND  
10 RICHARD ELLISON

11  
12 **UNITED STATES BANKRUPTCY COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 In re  
16 ACEH CAPITAL, LLC,  
17 Debtor.

Case No.: 21-30299 DM

Chapter 7

**DECLARATION OF RICHARD  
ELLISON IN SUPPORT OF MOTION  
& APPLICATION FOR TURNOVER  
RELIEF EFFECTING INTEREST IN  
REAL PROPERTY**

**If No Opposition, No Hearing Necessary**

**Judge: DENNIS MONTALI  
U.S. Bankruptcy Judge**

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22 TO: THE COURT and ACEH CAPITAL, LLC by and through U.S. Bankruptcy  
23 Trustee, E. Lynn Schoenmann and counsel Aron M. Oliner, Esq., and Geoffrey A. Heaton,  
24 Esq.; and Jay D. Crom, Esq., and Eric A. Nyberg, Esq. for ACEH CAPITAL, LLC:

25 I, RICHARD ELLISON, declare as follows:

- 26 1. I am a resident of Pueblo Colorado and am an adult person over the age of 18 and  
27 competent to testify about the facts stated herein if so called to do so.  
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2. I am a 25% owner in the following Real Property located at 36th STW VIC Ave. F6 in Lancaster, County of Los Angeles with APN 3107-003-004 with the following legal description:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 8, IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON RECORD OF SURVEY MAP FILED IN BOOK 66, PAGES 27 AND 28 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ONE-FOURTH INTEREST IN AND TO ALL MINERALS, OIL, GAS, AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, WITHOUT RIGHT OF ENTRY, AS RESERVED BY WARREN O. WAGNER AND ROSE MARIE WAGNER, HUSBAND AND WIFE, BY DEED RECORDED FEBRUARY 1, 1955 AS INSTRUMENT NO. 208, OFFICIAL RECORDS.

**APN: 3107-003-004.**

3. In 2000, when ACEH Capital, LLC sold its 75% interests to WILLIAM MICHAEL WAGNER I.R.A. and WILLIAM MICHAEL WAGNER & JAN SONNEMAN, husband, and wife, respectively, ACEH Capital LLC through its related business ACE Capital Group, wrote to me admitting an 'error' and 'mistake' with regard to my 25% in the Los Angeles County Records. Attached hereto is a true and correct copy of the 2001 letter I received. The steps for ACEH Capital LLC to put title back in the name of RICHARD ELLISON have never occurred.

4. In November 2002, ACEH Capital wrote to WILLIAM MICHAEL WAGNER with copy to me denoting "As you know ACEH Capital is no longer a co-owner on the referenced parcel of land of which you are the majority interest holder." Attached hereto is a true and correct copy of the 2002 letter I received.

5. That I have retained Mr. Kelly to try to resolve this matter amicably but that an agreement could not be reached for the Trustee on behalf of ACEH Capital, LLC to correct the title issues back in my name; requiring this motion.

6. That I seek a corrective deed or court order for recording, that the above referenced Property with APN 3107-003-004 denoting ACEH Capital, LLC as a 25% owner be

1 ordered corrected to identify that I am the true and actual owner of the 25% incorrectly  
2 in the name of ACEH Capital, LLC.

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4 I declare under penalty of perjury under the laws of the State of Colorado and  
5 California that the foregoing facts and attached documents are true and correct.

6 Dated: October 1, 2021

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By: /s/ Richard Ellison

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RICHARD ELLISON

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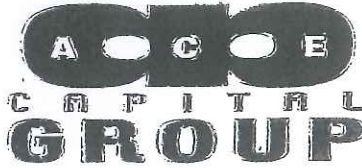
28

1 ordered corrected to identify that I am the true and actual owner of the 25% incorrectly  
2 in the name of ACEH Capital, LLC.

3  
4 I declare under penalty of perjury under the laws of the State of Colorado and  
5 California that the foregoing facts and attached documents are true and correct.

6 Dated: September 13, 2021

7 By:   
8 RICHARD ELLISON



October 1, 2001

Mr. Richard Ellison  
1504 South Main St.  
Milpitas, CA 95035

*Re: Your 25% undivided interest on parcel APN #3107-003-004*

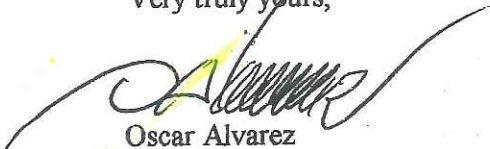
Dear Mr. Ellison:

Enclosed please find copies of two Grant Deeds recorded on your name, one recorded in error, corresponding to the purchase of your 25% undivided interest on the referenced property. As we agreed this was a mistake that needs to be corrected immediately, because the remaining 75% interest belongs to some one else. This erroneous duplicating of the recording of the same deed has created a situation in the County Recorder's Office that clouds the title on the entire property. In order to correct this honest mistake, please sign the enclosed Deed granting the extra 25% deeded to you back to ACEH Capital so we can send the necessary correction requests to the county. After the corrections have been made your 25% interest, as well as the other owners percentage interests in the property, will correctly reflect the actual ownership.

In addition, we are still trying to locate Ms. Paula Young Cheatle, holder of a Deed of Trust on this property, in order to be able to discharge our obligation to her. We have, however, allocated specific funds to clear this lien, and will hold you and the other cotenants free and harmless of any obligation related to this Deed of Trust. You and your cotenants in the property are only responsible for the property taxes related to your percentage ownership as long as you own the property.

Should you have any questions on this matter, please feel free to contact me at any time at the number below. Thank you for your cooperation.

Very truly yours,



Oscar Alvarez  
General Manager

CC: A/R 2273 FILE

2075 WOODSIDE ROAD • REDWOOD CITY • CALIFORNIA 94061-3338 • TEL: 650.364.3330 • FAX: 650.364.0720

Case: 21-30299 Doc# 47-2 Filed: 10/01/21 Entered: 10/01/21 14:32:08 Page 5 of

# ACEH Capital, LLC

2075 WOODSIDE ROAD  
REDWOOD CITY, CA 94061  
TEL: (650) 364-3330  
FAX: (650) 364-0720

November 27, 2002

**Mr. William M. Wagner**  
**1595 Cordilleras Road**  
**Redwood City, CA 94062**

Re: APN 3107-003-004  
Handling of Property Taxes

Dear Mr. Wagner:

As you know ACEH Capital is no longer a co-owner on the referenced parcel of land of which you are the major interest holder. As such, you would like to ensure that the property taxes are handled properly.

Enclosed please find the Annual Property Tax Bill for this parcel. Copies of this tax bill have been sent to your co-owners at the addresses listed in the attached Ownership Report. Please contact your co-investors immediately and have them acknowledge receipt of the copy of the tax bill. They in turn should produce checks, made payable to Los Angeles County Tax Collector, for the amount corresponding to their percentage interest in the property and mail them to your address. **If your land purchase was made through an IRA or any other retirement plan, please follow the instructions on the attached sheet.** Upon receipt of all their payments include your own check and mail them all, along with the tax bill slip corresponding to the 1<sup>st</sup> Installment. Make sure that the complete payment for the 1<sup>st</sup> Installment is postdated before December 10, 2002. This process should be repeated for the 2<sup>nd</sup> Installment, which should be completed before April 10th, 2003.

For your convenience a change of address form has also been enclosed for you to fill up and mail to the Tax Collector, which will instruct them to mail all future bills and correspondence directly to your address.

Should you have any questions on this matter, please feel free to contact us at the number above. Thank you.

Sincerely,

Accounting Department  
ACEH Capital, LLC

**CC: MR. RICHARD ELLISON**